UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MARIA L. ALANIZ	§	
	§	**Civil Action No.**
V	§	
	§	**5:15-cv-587**
LAW OFFICES OF JOSEPH ONWUTEAKA, P.C. AND SAMARA PORTFOLIO MANAGEMENT, LLC	§	
	§	
	§	

PLAINTIFF'S ORIGINAL COMPLAINT

Introduction

1. Onwuteaka is at it again.[1]

Venue & Jurisdiction

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337 and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367. Venue in this District and Division is proper in that Defendant transacts business here and the conduct complained of occurred here.

Parties

3. Maria Alaniz is an individual who resides and has resided for 28 years at 912 FM 2537, San Antonio, Texas 78221.

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[1] *Serna v. Law Office of Joseph Onwuteaka, P.C.*, 2015 U.S. App. LEXIS 9432 (5th Cir. Tex. June 5, 2015)

4. Alaniz is a consumer as that term is defined by 15 U.S.C. § 1692a(3) and Texas Finance Code § 392.001(1).

5. Defendants Law Office of Joseph Onwuteaka, P.C. and Samara Portfolio Management, LLC may be served by serving their registered agent Joseph Onwuteaka at 203 Kirkwood Court, Sugar Land, Texas 77478 or 7324 Southwest Frwy, Suite 310, Houston, TX 77074.

6. Onwuteaka is a debt collector as that term is defined by 15 U.S.C. § 1692a(6) and Texas Finance Code § 392.001(6) and (7).

Facts

7. Alaniz entered into a online loan agreement to pay for the funeral expenses of a relative.

8. After defaulting on her agreement, her debt was sold. After passing through the hands of several purchasers and sellers, Samara purchased her debt and Onwuteaka filed suit to collect it.

9. Onwuteaka filed suit in Bexar County Precinct 3. Onwuteaka's petition correctly recited Alaniz's address. Alaniz's address is not within the jurisdiction of Precinct 3. However, Onwuteaka filed his case in Precinct 3.

Violation of Fair Debt Collection Practices Act

10. Under 15 U.S.C. § 1692i(a)(2) a debt collector must file suit in the jurisdiction in which a consumer resides at the commencement of the action. Onwuteaka violated

this provision of the FDCPA by bringing an action in Precinct 3, where Alaniz did not reside at the time of the commencement of the action.

Violations of the Texas Fair Debt Act

11. Texas Finance Code § 392.101 requires debt collectors who employ non-attorney personnel to contact consumers to obtain a surety bond and file it with the Secretary of State before collecting debts. Onwuteaka's office sent communications signed by a non-attorney. As of the time of the filing of this action the Texas Secretary of State does not have a bond on file for Onwuteaka.

12. Under Texas Finance Code § 392.306 a creditor may not use an independent debt collector if it has actual knowledge that the independent collector repeatedly or continuously engages in prohibited acts. Samara is owned by and has been party to other suits brought against Onwuteaka. It has actual knowledge that Onwuteaka repeatedly or continuously engages in violations of Chapter 392 of the Texas Finance Code. Samara's use of Onwuteaka to collect its debts is a violation of § 392.306.

Jury Demand

13. Plaintiff demands a trial by jury.

Relief Sought

Plaintiff respectfully requests that this Court:

1. Award Plaintiff such damages as are permitted by law, including all statutory damages;
2. Award Plaintiff costs of suit and reasonable attorney's fees;
3. Award such other and further relief as law or equity may provide.

July 16, 2015

Respectfully Submitted,

/s/ William M. Clanton

William M. Clanton

Texas Bar No. 24049436

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VERIFICATION OF COMPLAINT AND CERTIFICATION

State of Texas §
§
County of Bexar §

Pursuant to 28 U.S.C. § 1746, Plaintiff Maria Alaniz, declares under penalty of perjury:

1. I am the Plaintiff in this civil action.
2. I have read the above entitled civil complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information, and belief formed after a reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by good faith argument for the extension, modification, or reversal of existing laws.
4. I believe that this civil Complaint is not interpose for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any defendant, or create a needless increase in the costs of litigation to any Defendant named in the complaint.
5. I have filed this civil complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorney which has been attached to this complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorney where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notes.

I declare under penalty of perjury that the foregoing is true and correct.

Execute this 15th day of July, 2015.

Maria L. Alaniz 210 316-0500.

Maria Alaniz